

form. The inventive formulations provide for a formulation which is stable to degradation and which exhibit favorable performance properties.

Pursuant to C.F.R. 1.136(a), Applicants petition the Assistant Commissioner to extend the time period to file a response by two (2) months, i.e. up to and including July 22, 2002 (as July 20 is a Saturday). A check for \$400.00 is enclosed to cover the cost of the petition. Should any further fee be required, the Assistant Commissioner is authorized to charge such fees, or credit any overpayment to Deposit Account No. 50-0320.

This Amendment cancels all the pending claims without prejudice or the intention of creating estoppel and adds new claims 14 to 28. Support for claim 14 is found in original claim 1 and in the specification on page 33, line 14 to 15. Applicants are making these changes in order to advance prosecution and not for reasons related to patentability; they reserve the right to file a continuation application directed to any cancelled embodiments. Applicants urge, for example, that the term "derivative of polycarboxylic acids" would be understood by one skilled in the art as well as the sources or processes to prepare these compounds.

Claim 1 to 13 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly not being enabled and claim 7 to 9 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicants urge that these rejections are moot in view of the new set of claims.

Claim 1 to 3 and 7 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Kasai et al, JP 04066509 ("Kasai"). Applicants respectfully disagree since the herbicidal composition in Kasai is in the form of granules and thus is different from the inventive compositions, which are liquid and the ALS inhibitor is dissolved. Accordingly, reconsideration and withdrawal of this rejection are requested.

Kasai describes herbicidal compositions which are granules (see title, "Herbicidal Granules Containing Sulfonylureas, Calcium Carbonate and Dialkyl Sulfosuccinates", line 1 of abstract, ("hydrophobic herbicidal granules"), or the last two lines of the abstract "the granules did not float in water"). Herbicidal composition which are granules are physically different from those that are liquids (see, e.g. lines 5 to 13). Hence, Kasai cannot teach the invention as claimed. Accordingly, reconsideration and withdrawal of this rejection is requested.

Claim 1 to 3, 7 to 9 and 11 stand rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Kasai. Applicants respectfully disagree since Kasai does not disclose liquid herbicidal formulations wherein the ALS inhibitor is dissolved, let alone the fact that the inventive liquid formulations overcome the disadvantages associated with the herbicidal formulations which are in the form of granules.

The inventive formulations are directed to herbicidal liquid formulations comprising a combination at least one gemini surfactant and/or sulfosuccinate and an ALS inhibitor which is dissolved in the formulation. Applicants discovered that the inventive formulations are stable to degradation and have favorable performance properties (see, paragraph bridging pages 2 and 3 and the examples and the comparative example).

Kasai discloses herbicidal compositions which are in the form of granules. As discussed on page 2 of the specification, when granules are added with water, the undissolved fractions in the concentrate are not completely dissolved. This result leads to application problems as well as requiring more time and energy to dissolve the granules.

Moreover, Kasai does not suggest that one may overcome the problem of increasing storage stability associated with aqueous solutions of sulfonylureas or water-free emulsion concentrates. As discussed in the examples and comparative examples, the inventive

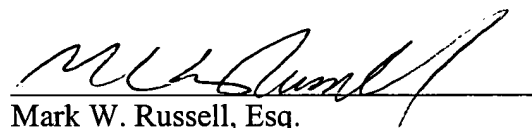
formulations exhibit increased storage stability. As Kasai does not address this issue, it does not suggest the present composition.

Thus, in view of the foregoing, reconsideration and withdrawal of this rejection is requested and favorable action is earnestly solicited.

Respectfully submitted,

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